

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Criminal Case No. 1:18-CR-457 (AJT)
	:	
BIJAN RAFIEKIAN	:	
	:	
and	:	
	:	
KAMIL EKIM ALPTEKIN,	:	
	:	
Defendants.	:	

**DEFENDANT BIJAN RAFIEKIAN’S RESPONSE TO MEMORANDUM OPPOSING
CO-CONSPIRATOR DESIGNATION OF NON-PARTY WITNESS MICHAEL T. FLYNN**

Defendant Bijan Rafiekian submits this response to the Memorandum Opposing Co-Conspirator Designation of Non-Party Witness Michael T. Flynn (“Memorandum”).

The defense was first provided a copy of the Memorandum at the hearing on July 8, 2019. Having now had a chance to review the Memorandum, the defense notes that the Memorandum attaches, quotes, and discusses several documents that Rafiekian maintains are protected by the attorney-client privilege and work product doctrine as to Flynn Intel Group (“FIG”). Whether such documents may be used by the government in its case against the Defendant is the subject of the Defendant’s pending motion to suppress [ECF No. 163]. For the reasons stated in the motion to suppress, any purported waiver of attorney-client privilege or work product protection by Flynn does not operate as a waiver as to FIG or the Defendant. Rafiekian does not waive attorney-client privilege or work product protection with respect to any of the documents attached to the Memorandum or discussed therein.

Dated: July 9, 2019

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of July 2019, true and genuine copies of Defendant's Response to Memorandum Opposing Co-Conspirator Designation by Michael T. Flynn were sent via electronic mail by the Court's CM/ECF system to the following:

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